



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
999 18<sup>TH</sup> STREET- SUITE 200  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>**

Ref: 8ENF-W

**September 20, 2006**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Richard Oppen, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

**NOTICE OF VIOLATION**

Docket No. **SDWA-08-2006-0062**

Richland County Valley View Water  
Users Association  
AKA "Valley View Water Users  
Association"  
115 2<sup>nd</sup> Street NE  
Sidney, MT 59270  
PWS ID# MT0000514

Dear Mr. Oppen:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of the exceedance of maximum contaminant levels (MCL) for total coliform, failure to monitor for bacteriological contamination, failure to monitor for disinfection byproducts, exceedance of maximum contaminant level for fluoride, failure to monitor for fluoride, failure to monitor for lead and copper, failure to monitor for radionuclides, failure to monitor for synthetic organic chemicals, failure to provide a consumer confidence report to water users, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of Violation</u>	<u>Violation</u>
February 2003	Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]
June, August, and October 2002, November 2004	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
2004 and 2005	Failure to monitor for disinfection byproducts [40 C.F.R. § 141.132(b)]
2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> quarters in 2002; 1 <sup>st</sup> quarter 2003	Exceeded the MCL for fluoride. [40 C.F.R. § 141.62 (b)] (The fluoride maximum contaminant level (MCL) was first exceeded in the 3 <sup>rd</sup> quarter 2001)
2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> quarters in 2003 and 1 <sup>st</sup> quarter 2004	Failure to monitor for fluoride. [40 C.F.R. § 141.23(c)]
2002 - 2004	Failure to monitor for lead and copper. [40 C.F.R. § 141.86 (d)(4)(iii)]
1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> quarters 2004 and 2005	Failure to monitor for radionuclides. [40 C.F.R. § 141.26 (a)]
1999 – 2001	Failure to monitor for synthetic organic chemicals. [40 C.F.R. § 141.24(h)]
2001 and 2004	Failure to provide Consumer Confidence Report. [40 C.F.R. § 141.155]
2002-2005	Failure to provide public notice of the above-referenced violations except the 1 <sup>st</sup> quarter 2003 fluoride MCL. [40 C.F.R. § 141.201]
2002-2005	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b), 141.21(g)(1), 141.21(g)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**SIGNED**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Mike Nevins, Operator, Richland County Valley View Water Users Association,  
(via certified mail / return receipt requested)  
Richland CO Valley View Water Association, Inc., Owner  
(via certified mail / return receipt requested)  
John Arrigo, MT DEQ

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE  
REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE  
ON SEPTEMBER 20, 2006.**